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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Adolf Proidl

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/525,175	<b>Applicant(s)</b> PROIDL, ADOLF	
	<b>Examiner</b> MOHAMMAD A. SIDDIQI	<b>Art Unit</b> 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

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## DETAILED ACTION

1. Claims 1-12 and 14 are presented for examination. Claim 13 have been canceled.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al (6,745,011) (Hereinafter Hendrickson) in view of Lee et al. (7,171,157) (Hereinafter Lee).

4. As per claim 1 , Hendrickson discloses a receiver for receiving information data from information servers connected with a data network (120, fig 1, col 5, lines 45-52), having

Interface means and processing means for retrieving information (120, fig 1) data from one of the information servers identified by data network addresses (location, 235, fig 2, col 9, lines 40-47), wherein the interface means receives the retrieved information

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data from the information server (collects information, 120, fig 1, col 10, lines 13-49) and having

quality testing means for testing the quality of the received information data (col 14, lines 54-66) and for outputting (reports, col 14, lines 54-67) quality information to the processing means (col 14, line 54 – col 15, lines 30),

characterized in that feedback means are provided (may yield reports, col 14, lines 54-67).

Hendrickson does not explicitly disclose which are designed to output feedback information to one of the information servers using interface means and processing means, wherein the feedback information contains the quality information and connection information identifying the link between the receiver and the data network. However, Lee discloses which are designed to output feedback information to one of the information servers using interface means and processing means (col 4, line 50- col 5, line 20) wherein the feedback information contains the quality information and connection information identifying the link between the receiver and the data network (col 4, line 50- col 5, line 20). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Lee and Hendrickson. The motivation would have been monitoring network performance metrics and providing reports.

5. As per claim 2, the claim is rejected for the same reasons as claim 1, above. In addition, Lee discloses characterized in that the feedback means are designed to output

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feedback information to the information server from which the information data were retrieved (col 4, line 50- col 5, line 20).

6. As per claim 3, the claim is rejected for the same reasons as claim 1, above. In addition, Hendrickson discloses characterized in that the interface means and processing means are designed to retrieve overview information from an overview information server (5) connected to the data network ( col 14, line 54 – col 15, lines 30), wherein the overview information identifies information servers and information data retrievable from these information servers, and in that the feedback means are designed to output the feedback information to the overview information server (col 14, line 54 – col 15, lines 30).

7. As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, Hendrickson discloses characterized in that the connection information output by the feedback means identifies the service provider over which the receiver is connected with the data network (col 14, line 54 – col 15, lines 30).

8. As per claim 5, the claim is rejected for the same reasons as claim 1, above. In addition, Hendrickson discloses characterized in that the quality information output by the feedback means identifies the bandwidth, the average bit rate received and/or the actual profile of the bit rate of the received information data (col 14, line 54 –

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col 15, lines 30).

9. As per claim 6, the claim is rejected for the same reasons as claim 1, above. In addition, Lee discloses characterized in that the feedback means are designed to output feedback information only when the quality information identifies a quality of received information data which is below a quality threshold (col 6, lines 22-33).

10. As per claim 7, the claim is rejected for the same reasons as claim 1, above. In addition, Lee discloses characterized in that the feedback means are designed to set up an alternative data connection to the information server and to output the feedback information to the information server over this alternative data connection if it has proved impossible to set up a data connection to the information server over the data network (col 8, lines 25-36).

8. As per claim 8, the claim is rejected for the same reasons as claim 1, above. In addition, Lee discloses characterized in that transmission path detection means are provided, which are designed to detect the transmission path selected for transmission from the information server to the receiver and to output the thus detected connection information to the feedback means (col 4, line 50- col 5, line 20).

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11. As per claims 9-11, claims are rejected for the same reasons as claim 1-3, above.

12. As per claim 12, the claim is rejected for the same reasons as claim 1, above. In addition Lee discloses An overview information server for outputting overview information to a receiver connected over a data network, wherein the overview information identifies information servers and information data retrievable from these information servers with the receiver (fig 1, col 4, line 50- col 5, line 15), said overview information server having

interface means for receiving query information from a receiver (elements of fig 2A) for retrieving the overview information and transmitting the stored overview information to the retrieving receiver (110, fig 2A; col 7, lines 40-67) and having memory means for storing the overview information and having (col 6, lines 17-34),

processing means for evaluating the received feedback information and outputting fault report information (950, fig 9) which identifies those parts of the data network which are responsible for poor quality information data received by the receivers (950, fig 9),

characterized in that the interface means are designed to receive feedback information containing quality information (col 10, lines 54-67) and connection information (elements of Fig 2A), wherein the quality information identifies the quality of the information data received by the receiver from one of the information servers and the connection information identifies the link between the receiver and the data network

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(fig 1, col 4, line 50- col 5, line 15).

13. As per claim 13, the claim is rejected for the same reasons as claims 1, and 13, above. In addition, Lee discloses characterized in that the transmitting means are designed to output the fault report information to service providers so as to improve the quality of the information data received by the receivers (col 4, line 50- col 5, line 15).

### ***Response to Arguments***

14. Applicant's arguments filed 02/26/2009 have been fully considered but they are not persuasive, therefore rejections to claims 1-12, and 14 is maintained.

15. Applicant's arguments, with respect to 101 have been fully considered and are persuasive. The 35 U.S.C. 101 rejection to claims 1-8 have been withdrawn.

16. In response to Applicant's arguments **against the references individually**, one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case As per claim 1 , Hendrickson discloses Interface means and processing means for retrieving information (120, fig 1) data from one of the information servers identified by data network addresses (location, 235, fig 2, col 9, lines 40-47), wherein



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the interface means receives the retrieved information data from the information server (collects information, 120, fig 1, col 10, lines 13-49) and having quality testing means for testing the quality of the received information data (col 14, lines 54-66) and for outputting (reports, col 14, lines 54-67) quality information to the processing means (col 14, line 54 – col 15, line 30), characterized in that feedback means are provided (may yield reports, col 14, lines 54-67). Lee discloses which are designed to output feedback information to one of the information servers using interface means and processing means (col 4, line 50- col 5, line 20) wherein the feedback information contains the quality information and connection information identifying the link between the receiver and the data network (col 4, line 50- col 5, line 20). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Lee and Hendrickson. The motivation (Hendrickson, fig 9) would have been monitoring network performance metrics and providing reports.

### ***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD A. SIDDIQI whose telephone number is (571)272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MS

***/Nathan J. Flynn/  
Supervisory Patent Examiner, Art Unit 2454***